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EXAMINER

VANDERPUYE, KENNETH N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

09/425,118

Applicant(s)

ROBERTS ET AL.

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,10,12,13,19-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 2,5-9,11,14-18,27 and 29-33 is/are objected to.
- 8) ☒ Claim(s) 35-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claims 10, 19 are objected to because of the following informalities:

In claim 10, line 3, --receive-- should be inserted after "downlink"

In claim 19 line 2, --for--should be inserted after "multiplexer"

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4, 13, 28, 20-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The preamble to claim 20, refers to an integrated receiver and router. It is not clear how the HTTP server can be included in the integrated receiver and router and yet communicates with it over the world wide web. Is this a remote server? Same problem with claims 4, 13, 28.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 4, 13, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 4, 13, 28 recites the limitation "said EDS card". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson et al.(5,594,490).

With regards to claim 1, Dawson teaches a satellite reception system(Fig. 2) including: a downlink receiver for receiving signals from a satellite(Fig. 2), said downlink including an integrated satellite receiver(Fig. 2@5) and router(Fig. 2@37, SLB); wherein said signals are stored as files in said integrated satellite receiver(Fig. 2@41) and routed for later further transmission(routed to view at a later time)

Claim 10 is rejected because Dawson teaches a satellite data delivery system(Fig. 1) including:

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a satellite transmitting signals(Fig. 1@31); and a downlink receiver for receiving signals from a satellite(Fig. 1, Headend), said downlink receiver including and integrated satellite receiver(Fig. 2, SCPC modem) and router(Fig. 2, SLB), wherein said signals are TCP/IP packets(Fig. 5E) and said TCP/IP packets are routed by said integrated satellite receiver and router(Fig. 2, packets are routed to storage), and wherein said signals maybe stored as files in said integrated receiver/router for later further transmission(Fig. 2@41).

9. Claims 26 is are rejected under 35 U.S.C. 102(b) as being anticipated by Daane et al.(5,818,830)

With regards to claim 26, Daane teaches an EDS card(col. 6, lines 54-55) comprising: a flash memory storage for storing at least a portion of a received data stream(Fig. 5, the device driver decodes received data. In order to accomplish this the data must be stored temporarily); and an Ethernet transceiver for transmitting at least a portion of a received data stream(col. 6 lines 55-59)

Claim Rejections - 35 U.S.C. § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson et al.(5,594,490).

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With regards to claims 3, 12 Dawson fails to teach a multicast processor to provide multicasting. Official notice is taken that multicasting is a form of selective broadcasting and is well known in the art. It would have been obvious to one of ordinary skill in the art to combine this well known art with Dawson for the purpose of routing video data to selected viewers. The motivation being to provide video services to selected users.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birdwell et al.(6,172,972) in view of Dawson et al.(5,594,490).

Claim 19 is rejected because Birdwell teaches a TCP/IP compatible satellite transmission system including:

a multiplexer for receiving, multiplexing, and outputting multiplexed TCP/IP packets without separating said packets(Fig. 2@74, col. 4 lines 37-50), an uplink for transmitting said multiplexed TCP/IP packets to a satellite(Fig. 2), a satellite for receding said multiplexed TCP/IP packets from said uplink and transmitting said TCP/IP packets to a downlink(Fig. 2@42).

Dawson, demultiplexing and outputting said TCP/IP packets without reconstructing said packets(inherently taught because a multiplexed signal has to be demultiplexed). What Birdwell fails to teach is a downlink for receiving said TCP/IP packets to an integrated satellite receiver and router. Dawson teaches a satellite receiver/router(Fig. 2@33, 37). It would have been obvious to combine the headend including the LAN bridge in Dawson with the system in Birdwell for the purpose of routing video data to selected subscribers. The motivation being to implement selective broadcast mechanism.

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Election/Restriction

13. Claims 34-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in a telephonic interview.

Allowable Subject Matter

14. Claims 2, 4-9, 11, 14-18, 27, 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.


KENNETH VANDERPUYE
PRIMARY EXAMINER

Kenneth Vanderpuye

July 25, 2003